

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

Cherry Growers, Inc.,

Case No. BT 17-04127

Chapter 11

Hon. James W. Boyd

Debtor./

UNITED STATES TRUSTEE'S OBJECTION TO DEBTOR'S *EX PARTE*
MOTION FOR EXPEDITED HEARING ON FIRST DAY MOTIONS

Daniel M. McDermott, United States Trustee for Region 9, objects to the Debtor's *ex parte* motion for expedited hearing on first day motions for the following reasons:

1. On August 31, 2017, the Debtor filed a voluntary Chapter 11 petition.
2. Also on August 31, 2017, the Debtor filed two "first day" motions, a motion for authority to pay prepetition wages and a motion to prohibit utilities from discontinuing service ("Utilities Motion").
3. The Debtor is requesting expedited hearing on these first day motions. DN 6.
4. The proposed order attached to the motion for expedited hearing does not appear to require the Debtor to serve the utilities that are subject to the Utilities Motion. DN 6-1.
5. Due process concerns require that the utilities whose rights may be affected by the Utilities Motion be served with the order granting an expedited hearing of said motion.
6. The U.S. Trustee does not object to the request for expedited hearing, but objects to the lack of notice to the affected utilities.

Wherefore, the United States Trustee requests that this Court require the Debtor to serve any order granting an expedited hearing on the Debtor's first day motions on all affected utilities

in addition to the other parties listed in the proposed order granting the motion for expedited hearing, and grant such other relief as the Court may deem just.

Respectfully Submitted,
DANIEL M. McDERMOTT
United States Trustee
Region 9

Date: September 1, 2017

By: _____/s/
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